

BB

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

MAR 20 2008 *asw*

Mar 20, 2008

MICHAEL W. DORRIS
CLERK, U.S. DISTRICT COURT

William Moorehead,
Petitioner,

v.

No. 05-CR-546

UNITED STATES OF AMERICA,
No. 05-CR-546-Respondent.

08CV1639

JUDGE ZAGEL

MAGISTRATE JUDGE SCHENKIER

AFFIDAVIT OF PETITIONER William Moorehead

Upon being first duly sworn and on my oath, I William Moorehead, state that pursuant to 28 U.S.C. § 1746; and 18 U.S.C. § 1621, the following are true and correct facts to the best of my knowledge that I filed a 28 U.S.C. § 2255 on March 13, 2008 in the United States District Court, Northern District of Illinois, Eastern Division, challenge my Plea and Sentencing sufficiency, as such was the result of ineffective assistance of counsel, with respect to the constitution right as guaranteed under the Sixth Amendment. Petitioner state as follows:

INEFFECTIVE ASSISTANCE OF COUNSEL

1. I accepted said "Plea Agreement" as was proposed by the prosecutor, as a result of ineffective assistance of counsel. Counsels, Luis Martin Galvan and Imani Chiphe, of the Federal Defender Program, abandon my interest in the criminal case as

well as the Plea and Sentencing outcome. Neither attorneys discussed with me the facts as to the plea agreement proposal so that I would clearly understand the law as applied and the consequence if I accept such agreement. There were limited conversation and discussion taken place between me and the first attorney, Mike Monico, but no discussion on the plea as proposed by the prosecutor was of importance. Neither one of the later counsel, Mr. Galvan or Mr. Chiphe showed any kind of interest toward my concern in reaching a more balanced plea agreement. I was not aware of the facts within the Plea agreement itself. Likewise, I was not aware of the law or the "Guidelines Provisions," as if to say, there were no discussion between me and my attorney, Mr. Chiphe, that could relate to the guidelines table applicability as applied to me and the situation regarding my cooperation based on my substantial assistance to the government about other criminal activities unknown to the government. I was lost with no clear understanding of what was going on with my case.

2. Whenever I asked my counsel Mr. Chiphe about the points as a result of the "Leadership Role and the Family issues, as to how can I get a reduction (downward departure) because my son is "Developmental Handicap and he lived with me Friday through Monday, Mr. Chiphe, like Mr. Galvan, told me not to worry that Mr. Galvan has already taken care of that, now my son wants to go to school because I'm not there with him to help with his needs.

3. On the amount of money that they claimed was used, Mr.

Galvan told me not to worry he would take care of it.

4. My cooperation in the other case, I was told by Mr. Galvan that if I coopearate thereby assisting the government in given information on other individual, I would receive a further reduction from the guideline range, and not to worry he would take care of it.

5. Mr. Galvan also told me that if I plea guilty to both counts, count I Mail Fraud and count II Wire Fraud, I would indeed receive "probation and house-arrest or just probation. Mr. Galvan advised me that he had, at the time, secured an agreement with the prosecutor on this matter. Again, not to worry.

6. Thereafter the removal of Mr. Galvan from my criminal case, Mr. Chiphe replaced him. Later, I leard that Mr. Luis Martin Galvan had a "Complaint filed against him alleging misconduct, see Exhibit B, as such interfered with effective representation owed to me. During the time Mr. Galvan was representing me, I was not aware of such conflict with some other client that cause a complaint to be filed against him. He never told me about the complaint filed before the Hearing Board of the Illinois Attorney Registration and Disciplinary Commission, they just removed him from my case, thereafter I had already accepted the prosecutor's plea agreement proposal as written. I was deprived of a fair criminal process that led me into accepting a onesided plea agreement. This was not right. I was treated unfairly and unjustice is the cause

and result who both counsels Mr. Galvan and Mr. Chiphe is liable at fault.

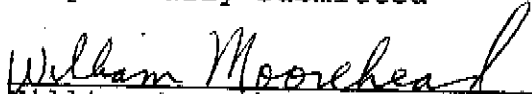
7. Mr. Chiphe repeated the same representation as counsel Mr. Galvan did, as Mr. Chiphe was also ineffective at the time of his representation of me. He did nothig to help my situation, he stated the following:

I would never have allowed you to sign such an plea agreement such as this one.

He did nothing to change the situation, he could have file a motion to withdraw plea agreement before sentencing hearing, but he did not do so. I did not have representation during my criminal case, no-one discussed the plea agreement facts with me. Both counsels abandon my interest to a fundamental fair outcome.

WHEREFORE, I Mr. William Moorehead, herein petitioner prays that this court grant me my request under 28 U.S.C. § 2255 motion, under the grounds as raised in such motion.

Respectfully Submitted


William Moorehead
Reg. No. # 17999-424
FPC Marion Satellite Camp
P.O. Box 1000
Marion, IL 62959

CERTIFICATE OF SERVICE

This certifies under the penalty of perjury pursuant to 28 U.S.C. § 1746; and 18 U.S.C. § 1621 that, I William Moorehead have on this 13th day of MARCH, 2008, placed a true and exact copy of said:

AFFIDAVIT OF PETITIONER William Moorehead

in the FPC Marion Satellite Camp Legal Mailbox through authorized mail service, at Marion, IL, first class postage prepaid, addressed to the following parties:

United States District Court for the Northern District of Illinois, Eastern Division, Honorable James B. Zagel, in the Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, Illinois 60604.

Jacqueline Stern, Assistant United States Attorney, and Patrick J. Fitzgerald, United States Attorney, 219 S. Dearborn St., 5th Floor, Chicago, Illinois 60604.

LOCATION OF CONFINEMENT

William Moorehead
William Moorehead
Reg. No. #17999-424
FPC Marion Satellite Camp
P.O. Box 1000
Marion, IL 62959